



Hawk Mountain
Sanctuary Association
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EX PARTE OR LATE FILE

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April 22, 1998

Mr. William Kennard
Chairman
Federal Communications Commission
1919 M. Street, NW, Room 814
Washington, DC 20554

Ex Parte Letter Re: FCC ~~Docket~~ No. 97-296: MM Docket No. 97-182 /

Dear Chairman Kennard:

I am writing this to comment on the Federal Communications Commission's *Notice of Proposed Rule Making in the Matter of Preemption and local Zoning and Land Use Restrictions on the Siting, Placement, and Construction of Broadcast Station Transmission Facilities* on behalf of the 10,000 members of Hawk Mountain Sanctuary Association, a non-profit conservation organization located on the Blue Mountain of eastern Pennsylvania along a major bird migration corridor.

This rule would cause serious negative impact on the environment. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 requires all federal agencies to prepare an Environmental Impact Statement (EIS) whenever a federal action may impact the environment. By preempting this law, broadcasters are unrestricted in their construction of thousands of towers country-wide, including locations that sit along major migration corridors.

Tower kills have been documented to be quite large, with an estimated 5000-10,000 birds, mostly Lapland Longspurs, killed on the night of January 22nd, 1998, in the vicinity of a single 420 foot communications tower in western Kansas. It has been estimated that 1.2 million birds are killed annually at towers in the United States¹ representing 123 species, most of which are Neotropical Migrants, a group which has been experiencing drastic declines². The proposed increase in the number of towers will increase annual kills substantially. Many of the proposed towers are to be positioned along ridgetops, wetlands, streams, and other critical habitats for migrating birds, and therefore have the potential to impact populations considerably.

¹ TV Towers take Deadly Toll on Night-Migrating Birds, Buffalo News, October 6, 1996, 1C; Mysterious Flights, Under Cover of Night, Chicago Tribune, November 3, 1985, F14.

² C. Kemper. A Study of Bird Mortality at a West Central Wisconsin TV Tower from 1957-1995, The Passenger Pigeon. Vol. 58, No. 3, 1996.



5 Originals

This proposed rule is environmentally unconscionable and sets a dangerous precedent of circumventing legitimate state and local laws just to increase expediency. We urge you to reject this proposed rule and to work to reduce the proliferation of towers whenever feasible.

Sincerely,

A handwritten signature in black ink that reads "Mark Monroe". The signature is written in a cursive, flowing style.

Mark Monroe
Biologist
Hawk Mountain Sanctuary

cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell

Commissioner Gloria Tristani
Commissioner Susan Ness

Visiting the Mountain

- ◆ **Trail Fees:** \$4 Adults, \$3 Seniors, \$2 Children 6-12, under 6 and members free; **except fall**
- ◆ **Trails open down to dusk everyday.**
Visitor Center: 9-5 daily, 8-5 Sept.-Nov.
Closed Christmas, New Year's, Thanksgiving
- ◆ Though North Lookout Trail rises only 200 feet, it is ungraded and rocky in parts—sturdy shoes and backpacks are recommended.
- ◆ No pets, radios, bicycles, camping, smoking or alcohol permitted.
- ◆ Light snacks and juices are available. Please pack out your trash and recyclables.
- ◆ Visit on a weekday for a more leisurely, intimate experience during fall foliage season.
- ◆ Binoculars can be rented at the visitor center.
- ◆ Migration flights are unpredictable and weather-dependent. For weather forecast and migration reports, call 610-756-6961 after sunset from Aug. 15-Dec. 15.

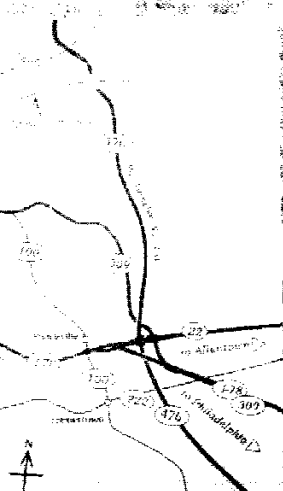
For more information, contact the Sanctuary's
World Wide Web page, www.hawkmountain.org

Phone: 610-756-6961
Fax: 610-756-6468

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1700 Hawk Mountain Road
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HAWK MOUNTAIN

Hawk Mountain
SANCTUARY
Crossroads of Naturalists





Hawk Mountain Sanctuary was founded in 1934 by conservationist Rosalie Edge to stop the shooting of hawks migrating along the Kittatinny Ridge in eastern Pennsylvania. It was the world's first refuge for birds of prey.

Today this 2,380-acre nature preserve is the United States' best observation point for autumn raptor migration. Some 17,000 hawks, eagles and falcons migrate each fall over the Sanctuary's North Lookout, a rocky promontory 1,521 feet high. Thousands of people from around the world visit each year. Because so many famous biologists, writers and artists have walked its trails, the Sanctuary is called "Crossroads of Naturalists."

Incorporated as a private, non-profit organization in 1938, the Sanctuary Association has played a pivotal role in the protection of birds of prey since its founding.

Today its staff of 16, assisted by interns and volunteers, carry out the Sanctuary's mission to conserve birds of prey and the central Appalachian ecosystem through integrated programs in education, research and monitoring.

Hawk Mountain Sanctuary is a 501(c)(3) non-profit organization.

Trails & Lookouts

Summit trails offer spectacular vistas of the Appalachian Mountains. A 200-degree panorama of the Appalachian Ridge-and-Valley Province awaits visitors at the North Lookout. The one-mile trail to this overlook connects with the Appalachian Trail via a two-mile spur. South Lookout (see reverse for view) is 300 yards from the visitor center parking area. A challenging four-mile-loop trail leads to the River of Rocks, a periglacial boulder field on the valley floor.

Nature provides a changing array of scenery and watchable wildlife throughout the seasons. The last half of April is the best time to see raptors migrating north. The first two weeks of May bring migrating warblers and the unfolding of Appalachian spring.

Mountain laurel blooms in mid-June, and in July and August, the native plant garden features colorful butterflies and wildflowers. Sixty percent of Sanctuary lands are set aside as a study area and undisturbed wildlife refuge.

Facilities

The visitor center, open year-round, houses a museum on birds of prey, an art gallery and bookstore. An adjacent garden features over 250 species of plants, shrubs and trees native to the Appalachian region. Facilities also include an outdoor amphitheater, classroom, intern and staff residences.

Hawk Mountain Sanctuary is a major migration on Hawk Mountain each fall. Raptors concentrate at Hawk Mountain because it is the southernmost ridge in the region and their last chance to use slope soaring during this part of their journey. Prevailing northwesterly winds strike the southwest-to-northeast ridges of the central Appalachians at right angles. Deflected up and over the ridges, winds provide loft, creating an aerial highway for the migrating birds.

Daily hawk counts are conducted between August 15 and December 15. Monarch butterflies and birds such as chimney swifts, warblers and hummingbirds, are also observed here on their southern migrations.

Education

Because of their size, beauty and role as predators, raptors provide a compelling focus for teaching a range of conservation issues. Environmental education programs from pre-school to college draw on the special expertise

Migration Timetable

